

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TERRY HIDALGO,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-07-00113
	§	
THREE RIVERS INSTITUTION, <i>et al</i> ,	§	
	§	
Defendant.	§	

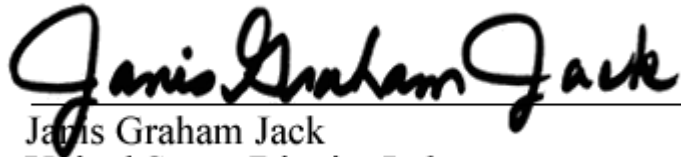
**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DISMISS ACTION**

On April 6, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that plaintiff's claims be dismissed for failure to exhaust his administrative remedies pursuant to 42 U.S.C. § 1997e and moreover, that plaintiff's claims against all defendants be dismissed for failure to state a claim and as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b)(1). The Memorandum and Recommendation further recommended that, should the Court adopt the recommendation, that the dismissal be one as described by 28 U.S.C. § 1915(g) and that a copy of the recommendation and order of dismissal be sent to: **District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker.** A copy of the Memorandum and Recommendation was mailed to plaintiff with a card to be returned indicating his receipt of the mailing. The card has not been returned by plaintiff nor has the mailing been returned by the U.S. Post Office as undeliverable. Therefore, seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that plaintiff's claims are dismissed for failure to exhaust his administrative remedies pursuant to 42 U.S.C. § 1997e and that plaintiff's claims against all defendants are dismissed for failure to state a claim and as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b)(1). A copy of the recommendation and this order of dismissal shall be sent to: **District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker.**

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 6th day of July, 2007.


Janis Graham Jack
United States District Judge